

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-cv-60984-Augustin-Birch

[Consent Case]

MELINDA MICHAELS,

Plaintiff,

v.

SEAWATER PRO LLC, and
MICHAEL SPANOS A/K/A MIKE SPANOS,

Defendants.

DECLARATION OF DYLAN TUBBERT

I, DYLAN TUBBERT, declare:

1. I am over eighteen years of age; I live in the United States, and I personally know of the matter set forth herein. I understand the English language and completely understand the contents of this Declaration.
2. I am a witness in the case of *Michael v. SeaWater Pro LLC et al*, Case No. 24-cv-60984-Augustin-Birch, in the United States District Court, for the Southern District of Florida (“Lawsuit”).
3. I am the son of Plaintiff Melinda Michaels, and was employed by Defendants’ SeaWater Pro LLC, and Michael Spanos for approximately two weeks during July 2020, two weeks during September 2020, and from approximately December 2020 through or about February 2021.
4. While employed by Defendants, Michael Spanos required that I arrive at work with Melinda Michaels between approximately 8:30 a.m. and 11:00 a.m., and work until approximately 6:00 p.m. to 7:00 p.m. approximately five to six days per week.
5. Michael Spanos always wanted me to start each workday no later than 11:00 a.m.
6. I witnessed Melinda Michaels starting her workday each morning well before we left to go into the office.
7. I was an hourly employee compensated approximately \$25 per hour.
8. I was required to run the CNC machines, fabricate the actual watermaker units and mechanisms going out to customers, perform outgoing shipping, including packing, packaging, and labeling boxes, and engage with customers.

9. On a daily basis, I witnessed Melinda Michaels operate the forklift, engage in customer fulfillment including creating FedEx and UPS labels, packing, packaging, labeling and shipping orders, fabrication of watermaker units (I witnessed Melinda Michaels fabricate approximately 1/3 of all mechanisms going out), assigning which orders were to go out, working with customer accounts, providing customer service, engaging and enrolling new customers, and handling all social media aspects of the business.

10. On a daily basis, I witnessed Melinda Michaels spend approximately half of her time at the shop on the phone with customers, and potential new customers of the business. Melinda Michaels was responsible for the initial contacts with customers, explaining the products, and engaging in through all aspects of the sales cycle up to the very end, where sometimes the sale would be handed off to Michael Spanos for him to close the deal.

11. Michael Spanos was the “closer” of the business, relating to new customers, whenever he determined Melinda Michaels wasn’t closing the required sale as expeditiously as he demanded. I witnessed Michael Spanos eavesdrop on customer calls being handled by Melinda Michaels, and if he thought he would do a better job at closing, he would take the phone from Melinda Michaels, and work on the sale himself.

12. During the time of my employment with Defendants, I also lived with Michael Spanos and Melinda Michaels, which provided me with first-hand knowledge of the after-hours work Melinda Michaels was required by Michael Spanos to engage in at home.

13. On a daily basis, after Michael Spanos, Melinda Michaels, and I left the Defendants’ business location, I witnessed Melinda Michaels consistently engaging in call after call into the late hours of the night for new and existing customers of the Defendants. I also witnessed Melinda Michaels engaging in the social media and marketing of the Defendants into the late hours of the night as required by Michael Spanos.

14. While I was required to work approximately five or six days per week at the Defendants’ location, I witnessed Melinda Michaels working consistently pretty much twenty-four hours per day seven days per week, as she was consistently fielding existing and new customer calls all throughout the day and night on weekends when we were away from the Defendants’ shop.

15. During the time I was employed by Defendants, I only ever witnessed Melinda Michaels taking approximately one or two days off during that three-month period.

16. I witnessed on a daily basis Michael Spanos directing Melinda Michaels to “stay in charge of this”, or “stay on top of this, Mindy (Melinda)” with regards to social media, shipping, customers, and her other duties as described in ¶ 8 above.

17. I witnessed Melinda Michaels invite YouTuber’s into the business, give them tours, and help them facilitate filming to establish branding and media partnerships of the Defendants. In particular, YouTuber “Colin from Parlay Revival” came into the shop, and filed content, only after I witnessed Melinda Michaels’ perseverance to get SeaWater Pro visible on YouTube.

18. I witnessed Melinda Michaels writing paychecks, cutting them, and handing each paycheck to employees of the Defendants after Michael Spanos endorsed them, however I never saw Melinda Michaels ever receive a paycheck herself.

19. I saw Michael Spanos spend money frivolously instead of paying Melinda Michaels alongside the other employees. For example, when I ran to 7-11 to buy something, Michael Spanos would give me \$200-\$300 at a time to buy lottery tickets.

20. Approximately one to two years ago, Michael Spanos contacted me and told me that he was going to start paying Melinda Michaels \$3,000.00 per month "as penance and payback for the work she put into the business". Michael Spanos asked me if I would facilitate those payments to Melinda Michaels and I agreed. I only ever received one payment of \$3,000.00 from Michael Spanos via PayPal and delivered that to Melinda Michaels via PayPal. I never saw or heard from Michael Spanos after that initial payment. Approximately six months ago I shut down that PayPal account due to hacking and spam. However, the records should be verifiable on Michael Spanos' end.

21. Defendant Michael Spanos had a temper. I witnessed it flare up on many occasions, including when Melinda Michaels did not perform a required duty up to his liking, and when I witnessed Michael Spanos being arrested on location at SeaWater Pro's shop on or about January 12, 2021.

I declare under penalty of perjury under 28 U.S. Code § 1746 the foregoing is true and correct to the best of my knowledge and belief.



DYLAN TUBBERT

06 / 25 / 2025

Date